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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,373	04/16/2002	Thomas L. Toth	GEMS8081.111	4580

27061 7590 06/16/2006

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EXAMINER
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NGUYEN, VAN KIM T

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/063,373	TOTH, THOMAS L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Van Kim T. Nguyen	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on March 21, 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5,7-14,16 and 17 is/are allowed.
- 6) ☒ Claim(s) 18-29 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This Office Action is responsive to communications filed on March 21, 2006. Claims 6 and 15 have been cancelled, in addition to previously cancelled claims 30-37. Thus claims 1-5, 6-14, 16-29 and 38 remain pending in the case.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-5, 6-14, 16-29 and 38 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 18-20, 25-26, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Sako (US 6,789,087).

Regarding claim 18, as shown in Figures 1-11, Sako discloses an electronic network comprising:

at least one updatable database (111, 112, 115, 116) configured to store scan parameter values (examination ID) from one or more imaging sessions, the scan parameter values corresponding to scan parameters (employee data) defining the one or more imaging sessions (col. 6: lines 16-48);

at least one imager (109) configured to acquire imaging data of a subject according to a set of scan parameters;

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an electronic communications link (113, 119) connected to the at least one updatable database (111, 112, 115, 116) and the at least one imager (109); and

wherein the at least one images (109) includes a processor (118) configured to automatically transmit one or more scan parameter value (examination ID), corresponding to the set of scan parameters (data for one examinee including examinee ID, examinee name, birth date of examinee, sex of examinee, height, and weight), to the at least one updatable database (111, 112, 115, 116) following acquisition of imaging data from the subject (e.g., automatically transmit examination ID corresponding to examinee to updatable database 111, 112, 115 and 116 upon completing the acquisition of scanning image; col. 6: line 3 – col. 8: line 45, and col. 11: line 45 – col. 12: line 50).

Regarding claims 25-26 and 38, Sako discloses a computer readable storage medium having a computer program stored thereon and representing a set of instructions that when executed by one or more computers causes the one or more computers to:

access a database (111, 112, 115, 116) having scan parameter data (height and weight)) stored thereon, the scan parameter data corresponding to scan parameters (characteristic quantity region) of one or more executed imaging session;

compare user input identifying scan parameters (characteristic quantity region) of an imminent imaging session to at least a portion of the scan parameter data (height and weight)) stored on the database; and

determine preferred scan parameters (characteristic quantity region) for the imminent imaging session from the scan parameter data stored on the database from the one or more

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executed imaging sessions executed in accordance with scan parameters similar to those identified by the user input (e.g., determining characteristic quantity region based on examinee's weight/height; col. 9: line 11 – col. 10: line 65).

Regarding claim 19, Sako also discloses a computer programmed to determine a dosage summary (characteristic quantity region or irradiating field aperture level) of the one or more previous imaging scans executed in accordance with scan parameters similar to those of the desired imaging scan (e.g., characteristic quantity region is set to be proper per subject size, i.e., weight and height, though the use of a setting unit 401; a characteristic quantity region designating unit 302; and irradiating field aperture value determining unit 403; a characteristic quantity calculating unit 404; and an image processing unit 405; col. 9: line 11 – col. 10: line 65).

Regarding claim 20, Sako also discloses the computer is further programmed to automatically store data for scan parameters for the desired imaging scan on the updatable database following execution of the desired imaging scan (e.g., scanning image is automatically transmitted and stored upon completing; col. 9: line 11 – col. 10: line 65).

#### ***Claim Rejections - 35 USC § 103***

4. Claims 21-24, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sako, as applied to claims 18 and 25 above, in view of DiMaria et al (US 6,075,455), hereinafter DiMaria.

5. Regarding claims 21- 22, Sako discloses substantially all the limitation, but Sako fails to explicitly call for except the first imager and the second imager located remotely from each other.

DiMaria, in the same field of endeavor, teaches a plurality of imaging processors (terminals 10), comprising a plurality of epidermal topographical scanners 12, located at different locations (see Figures 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sako's by storing images at separate locations as taught in DiMaria's reference because it would be more convenient to access desired images at different locations.

Regarding claim 23, though the combination of Sako and DiMaria does not explicitly disclose the at least one imager includes a first imager located in a first facility and a second imager located in a second facility remotely located from the first facility and wherein the at least one database is located in one of the first facility and the second facility, but since it is well known in the art the network devices can be configured to locate remotely, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made the imaging scanner can be located in a treatment facility and the at least database remotely from the treatment facility, motivated by the need of providing greater accessibility for authenticating or authorizing access privilege.

Regarding claim 24, though the combination of Sako and DiMaria does not explicitly disclose the at least one imager includes a first imager located in a first facility and a second imager located in a second facility remotely located from the first facility and wherein the at least one database is located in a facility remotely located from the first and the second facilities and connected to the first imager and the second imager via an electronic communications link, but since the network devices can be configured to locate remotely, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made the imaging scanner can be located in a treatment facility and the at least database remotely from the treatment facility, motivated by the need of providing greater accessibility for authenticating or authorizing access privilege.

Regarding claim 27, the combination of Sako and DiMaria also discloses the database is located remotely from an imaging apparatus used to execute the imminent imaging session (DiMaria; col. 3: lines 25-33).

Regarding claim 28, though the combination of Sako and DiMaria does not explicitly disclose the imaging apparatus is located in a treatment facility and the database is located remotely from the treatment facility, but since the network devices can be configured to locate remotely, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made the imaging scanner can be located in a treatment facility and the at least database remotely from the treatment facility, motivated by the need of providing greater accessibility for authenticating or authorizing access privilege.

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Regarding claim 29, the combination of Sako and DiMaria also discloses the set of instructions further causes the one or more computers to access the database via an electronic communications link (DiMaria; col. 3: lines 6 – col. 7: line 61).

***Allowable Subject Matter***

6. Claims 1-5, 7-14 and 16-17 are allowed.


See previous Office Action for Reason for Allowance.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ZARNI MAUNG  
SUPERVISORY PATENT EXAMINER

Van Kim T. Nguyen